

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**IN RE SATURN L-SERIES TIMING
CHAIN PRODUCTS LIABILITY
LITIGATION**

MDL NO. 1920

ORDER OF REFERENCE

**This document relates to:
BOTH ACTIONS
(8:07cv298 & 8:08cv79)**

This matter is before the Court on the Notice of Bankruptcy filed by Attorney Timothy A. Daniels, on behalf of Defendants General Motors and Saturn. (Filing No. 106). In the present case, the Defendants state that General Motors Corporation and certain of its subsidiaries, including Saturn, L.L.C. and Saturn Distribution Corporation, have filed a Voluntary Petition in Bankruptcy, pursuant to 11 U.S.C. § 301. (Filing No. 106 at 1). 11 U.S.C. § 362(a) provides that "a petition filed under section 301 . . . of this title . . . operates as a stay, applicable to all entities, of— (1) the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor"

Pursuant to NEGenR 1.5(a)(1), "Upon the . . . notification that a party to a civil case is a debtor in a bankruptcy case, the entire case will be referred to the bankruptcy court of this district for further action." In the present case, the Defendants advise this Court that the Voluntary Petition has been filed in the United States Bankruptcy Court for the Southern District of New York. (Filing No. 106 at 1). Under NEGenR1.5(a)(1) however, "the matter is referred to the bankruptcy court [in the District of Nebraska] even if the suggestion of bankruptcy states the bankruptcy proceeding was initiated in another district." NEGenR1.5(a)(1) provides that "[t]he bankruptcy judge requests status reports

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By Kamala B. Smith
Deputy Clerk

from the parties,” and after doing so, will determine whether the case should be transferred elsewhere. Thus, this Court refers the entire case to the United States Bankruptcy Court for the District of Nebraska, and leaves the determination of whether the case should ultimately be referred to the United States Bankruptcy Court for the Southern District of New York to the sound discretion of the bankruptcy judge here in Nebraska.

Accordingly,

IT IS ORDERED:

1. The Notice of Bankruptcy (Filing No. 106) is judicially noted, and pursuant to NERGenR 1.5(a)(1), this case (8:07cv298 and 8:08cv79) is referred to the United States Bankruptcy Court for the District of Nebraska;
2. This case (8:07cv298 and 8:08cv79) shall be terminated for statistical purposes by the Clerk of the Court for the District of Nebraska;
3. The Clerk of the Court for the District of Nebraska shall transmit the court file to the Clerk of the Bankruptcy Court for the District of Nebraska; and
4. The Clerk will send a copy of this order to the Clerk of the Bankruptcy Court for the Southern District of New York, as well as the Clerk for the Multi-District Litigation Panel.

DATED this 10th day of June, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge